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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Procedures and practices in respect of civil society engagement with international and regional organizations

Report of the United Nations High Commissioner for Human Rights

Summary

In its resolution 32/31, the Human Rights Council requested the United Nations High Commissioner for Human Rights to prepare a report compiling information on procedures and practices in respect of civil society involvement with regional and international organizations, including United Nations bodies, agencies, funds and programmes, and the contribution of civil society to their work, challenges and good practices.

The present report highlights the important role played by civil society in terms of advocacy, expertise and implementation in its engagement with regional and international organizations. It summarizes good practices adopted by some of those organizations in terms of civil society participation, including in relation to accreditation, access to information and accountability mechanisms. The report also identifies the challenges that civil society encounters in its engagement, such as reprisals, lack of transparency and access and limited diversity in civil society representation. On the basis of international human rights norms, the report recommends that regional and international organizations establish clear and effective channels for meaningful and equal civil society participation and engagement.

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I. Introduction

1. The Human Rights Council, in its resolution 32/31, emphasized the essential role of civil society in subregional, regional and international organizations. In that regard, the Council reaffirmed the right of everyone, individually and in association with others, to unhindered access to and communication with subregional, regional and international bodies, and their representatives and mechanisms. The Council further asserted that civil society facilitated the achievement of the purposes and principles of the United Nations and that undue restriction of civil society space therefore had a negative impact upon their achievement. In that respect, the Council requested the United Nations High Commissioner for Human Rights to prepare a report compiling information on the procedures and practices in respect of civil society involvement with regional and international organizations, and the contribution of civil society to their work and challenges and best practices.

2. According space to civil society is not optional. Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the community, national, regional and international levels, to exercise the freedoms of opinion and expression, of peaceful assembly and association, and to have access to information and participate in public affairs. International law also protects the lives, liberty, physical integrity and privacy of civil society actors. Article 5 of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (the Declaration on Human Rights Defenders) recognizes the right of everyone, individually and in association with others, at the national and international levels, to communicate with civil society and intergovernmental organizations.

3. Human rights impose obligations on States to respect, protect and fulfil the rights of every individual to freedom of opinion and expression, access to information, peaceful assembly and association and the right to participate in public affairs and to protect individuals from interference, including by non-State actors. Those rights apply to domestic and other levels of decision-making, including in the intergovernmental sphere.[1] United Nations entities have to respect the norms and freedoms they helped to enshrine in human rights instruments, including the rights and freedoms that are indispensable for civil society to develop and operate. More and more decisions that affect the lives of ordinary people — sometimes profoundly — are taken at the regional and international levels, including in United Nations forums. In practice, having unhindered rights to form or join groups, have access to information, express one's views and participate in decision-making is indispensable for effective civil society engagement at all levels. Limiting meaningful and effective participation of civil society essentially silences the voices of the people whom the organizations are meant to serve.

4. The Human Rights Council, in its resolution 32/31, recognized the crucial importance of unhindered access to international and regional processes and of transparency and accountability at all levels, which are indispensable for building peaceful, prosperous and democratic societies. In a statement to the Council, the Secretary-General asserted that the Council's growing engagement with civil society strengthened much of its work and was especially vital at a time when civil society space was shrinking in so many places.[2] He also noted the vital role of civil society on the Sustainable Development Goals,[3] Goal 16 of which called for the promotion of peaceful and inclusive societies for

[1] See also paragraph 5 of Human Rights Committee general comment 25 (1996) on participation in public affairs and the right to vote, in which the Committee recognized that the right to take part in the conduct of public affairs covered "the formulation and implementation of policy at international, national, regional and local levels".

[2] See www.un.org/sg/en/content/sg/statement/2017-02-27/secretary-generals-remarks-human-rights-council-scroll-down-french.

[3] See www.un.org/development/desa/en/news/ecosoc/civil-society-engagement-for-sdgs.html.

sustainable development, the provision of access to justice for all and building of effective, accountable and inclusive institutions at all levels (target 16.6), and for ensuring responsive, inclusive, participatory and representative decision-making at all levels (target 16.7).

5. The present report is based on 82 written submissions received by the Office of the United Nations High Commissioner for Human Rights (OHCHR) following its requests for inputs sent on 31 November 2016 to Member States, national human rights institutions, civil society organizations and international and regional organizations.

II. How civil society contributes to the work of regional and international organizations

6. The contribution of civil society to the work of the United Nations was recognized right from the preamble of the Charter of the United Nations. In article 71, the Charter established that the Economic and Social Council should work to support civil society participation within the United Nations system. The rules and procedures of other regional and international multilateral organizations drew on the Charter in relation to civil society engagement. Other entities had developed specific procedures and arrangements for civil society engagement — generally conditioned on the assumption that their aims were compatible with the purpose and mandate of the international or regional entity.

7. Civil society organizations brought local and national concerns to the attention of the international community and advocate for change, thus connecting the international stage with local levels. Civil society had been instrumental in raising awareness of women's rights and gender equality at the regional and international levels, and in empowering and giving voice to those in the most severe situations of marginalization and vulnerability. It had also contributed to challenging social norms and the organizational culture of regional and international organizations.

8. Several multilateral institutions had highlighted the key contribution that civil society makes to their work, including: (a) by encouraging people-led processes in the "localization" of the Sustainable Development Goals, in the case of the United Nations Human Settlements Programme (UN-Habitat); (b) by building information and knowledge communities, in the case of the International Telecommunications Union (ITU); (c) by creating partnerships around complex societal issues, in the case of the United Nations Office on Drugs and Crime (UNODC); and (d) by influencing non-State actors, in the case of the World Health Organization (WHO).

A. Advocacy and awareness-raising

9. International institutions attached great importance to the advocacy efforts of civil society partners that gave a voice to those most exposed to human rights violations. For instance, the Food and Agriculture Organization of the United Nations (FAO) referred to the critical role of civil society in relation to hunger and extreme poverty in complex humanitarian disasters. The Joint United Nations Programme on HIV/AIDS (UNAIDS) stressed that civil society played a crucial role in responding to global health issues like AIDS. The Department of Economic and Social Affairs recalled that civil society organizations contributed to strengthening the participation of the most underrepresented and excluded from decision-making, and considered the advocacy efforts and contributions by major groups and other stakeholders to be central to the transformative nature of the 2030 Agenda for Sustainable Development. The United Nations Office for Disarmament Affairs highlighted the ability of civil society to mobilize victims and raise awareness on the issues affecting them, often by forming civil society networks for collective advocacy. According to the Peacebuilding Support Office, civil society had played a critical advocacy role in the adoption of Security Council resolution 2250 (2015), including as key partners in mobilizing young people. According to the organization Task Team CSO Development, civil society organizations also raised awareness at the country level by advocating for concrete actions to implement global-level commitments.

B. Expertise and knowledge

10. The knowledge and expertise that civil society organizations contributed were distinguishing assets in policymaking, advisory services, meetings, panels and various intergovernmental negotiations. Civil society informed the debate and injects knowledge, including from communities, into decision-making structures and programmes at the regional and international levels. Moreover, civil society think tanks and knowledge hubs produced valuable educational resources based on research and aggregated data. Civil society organizations had indeed grown to establish a system of international pressure on the development of human rights.[4] For example, the International Campaign to Abolish Nuclear Weapons, a civil society organization of some 400 groups, had received the 2017 Nobel Prize for Peace for supporting the negotiation and adoption of the Treaty on the Prohibition of Nuclear Weapons. Furthermore, the International Coalition for Sustainable Aviation had contributed to the work of the International Civil Aviation Organization (ICAO) Committee on Aviation Environmental Protection on technical issues, including the development of standards.

C. Implementation, monitoring and evaluation

11. Civil society had the added advantage of having close links with grass-roots organizations and individuals, and could therefore help to increase the effectiveness of United Nations interventions at the local level. The International Fund for Agricultural Development had worked with civil society on the design and implementation of projects, while FAO noted that civil society organizations often operated in complex humanitarian disasters where Governments did not have the immediate capacity to provide adequate services, for example, in food production. UNAIDS noted that civil society organizations monitored and reported on countries' progress towards achieving global AIDS targets and also acted as providers of HIV prevention, treatment, care and support services. The strengthening of civil society partnerships on project planning and implementation had made strides in peacebuilding. For example, the Gender and Youth Promotion Initiative of the Peacebuilding Support Office, through its Peacebuilding Fund, supported civil society organizations as direct recipients of funding for peacebuilding, thus promoting the implementation of joint projects on sustaining peace, among others.

12. Certain multilateral organizations included civil society organizations in shaping programmatic aspects of their work. The World Summit on the Information Society Forum was a unique gathering where the programme and agenda were completely crowdsourced by stakeholders. At the United Nations Educational, Scientific and Cultural Organization (UNESCO), civil society organizations could contribute fully, individually and collectively to objectives, priorities and the programming cycle, including specifically the draft medium-term strategy and the draft programme and budget. To craft the agenda of the Forum on Human Rights, Democracy and the Rule of Law, OHCHR called for inputs from a wide range of stakeholders and used the suggestions received to identify the main topics for discussion.

III. Procedures and practices related to civil society engagement in regional and international organizations

13. The United Nations was recognized as a unique and precious global meeting place.[5] On the basis of the inputs received, the present report describes the procedures and practices of regional and international organizations in terms of civil society engagement,

[4] See W. Korey, *NGOs and the Universal Declaration of Human Rights* (Palgrave Macmillan, 1998), p. 18.

[5] See W. Foster and A. Anand (eds), *Whose World is it Anyway? Civil Society, the United Nations and the multilateral future* (United Nations Assn, 1999), p. 45.

around participation, access to information and capacity development. It also highlights specific examples, where relevant.[6]

A. Regulatory and institutional frameworks for civil society engagement

14. Most regional and international entities had procedures in place that enabled the participation of accredited civil society representatives, including in their governing bodies, to varying degrees. For example, FAO adopted its internal Policy and Strategy for Cooperation with Non-Governmental and Civil Society Organizations, while WHO had its Framework of Engagement with Non-State Actors. The Council of Europe had recognized as an institution the Conference of International Non-Governmental Organisations,[7] which participated actively in the development of the Guidelines for civil participation in political decision-making, adopted in September 2017.[8]

15. At the same time, civil society organizations regularly faced challenges that hampered their effective and meaningful participation, including bureaucratic obstacles, even once they had received accreditation.[9] Some forums and meetings were closed, with no space for engagement. While in some cases it might be justified to hold closed meetings owing to confidential and security-sensitive information, such restrictions to civil society participation should be necessary, based on explicit rules and proportionate. As the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression noted in his 2017 report, each institution should identify how the restrictions applicable under human rights law applied in their particular context (see A/72/350, para. 21).

16. Some multilateral organizations had established advisory boards to guide them on areas of specific focus. The United Nations Development Programme (UNDP) Civil Society Advisory Committee contributed to all aspects of the work of UNDP and systematized consultations between it and civil society, as the main institutional mechanism for dialogue on strategy and policy. UNAIDS had been the first United Nations programme to have formal civil society representation on its governing body, the Programme Coordinating Board. At the United Nations Population Fund (UNFPA), a global non-governmental organization (NGO) advisory panel for the Executive Director had been set up to strengthen partnerships with civil society organizations in relation to the Fund's advocacy strategies and specific initiatives. UN-Habitat had established two advisory boards to guide the Executive Director: the Youth Advisory Board and the Advisory Group on Gender Issues. UNESCO had a unique NGO liaison committee on collective cooperation, which allowed it to exchange information among NGOs and for coordinated actions. In its founding regulation, the European Union Fundamental Rights Agency had established a fundamental rights platform as a mechanism for the exchange and pooling of knowledge, which facilitated cooperation with and between more than 350 civil society organizations from across the European Union, working on a diverse range of fundamental rights issues.[10]

17. Several regional and international organizations had established dedicated civil society units or functions, mostly for communication and outreach, that provided support with respect to access to information and capacity development. For example, the United Nations Environmental Programme (UNEP) Civil Society Unit supported accreditation requests, while the NGO Liaison Unit of the United Nations Office at Geneva facilitated information-sharing with its 1,500 civil society contacts, and through briefing sessions. At UNODC, the Civil Society Team managed an online database of some 3,240 NGOs working on drugs and crime-related issues, while the International Organization for

[6] See also A/69/365.

[7] Civic Space Initiative.

[8] Available at https://rm.coe.int/guidelines-for-civil-participation-in-political-decision-making-en/16807626cf.

[9] Congregation of Our Lady of Charity.

[10] Civic Space Initiative.

Migration had a dedicated liaison unit that supported and worked with regional civil society organizations. At the United Nations Children's Fund (UNICEF), several staff members at headquarters focused specifically on various aspects of civil society engagement and manage partnerships.

B. Accreditation

18. Accreditation was a common requirement for civil society organizations to gain access to meetings and events of regional and international institutions, especially those of an intergovernmental nature. Most international organizations required civil society organizations to have either consultative status, specialized consultative status or liaison status, which determined the level of engagement accorded to civil society. Invariably, those who did not possess such a status were denied accreditation to participate in meetings and access to meeting venues. Consultative status was usually granted to groups and not to individuals, thus the affiliation of individuals or private persons with an organization that had consultative status was a precondition for their participation.

19. The NGO Branch of the Department of Economic and Social Affairs provided secretariat support to the Economic and Social Council Committee on Non-Governmental Organizations, the intergovernmental body responsible for granting consultative status with the Council to NGOs. That status, in turn, was the basis for gaining access to meetings, such as those of the Human Rights Council, ad hoc processes on small arms, the Economic and Social Council subsidiary bodies, as well as special events organized by the President of the General Assembly. Different rules applied to different submechanisms, where for example, no accreditation was required for engaging with the special procedures of the Human Rights Council. The Department of Public Information had delegated authority from the Economic and Social Council to give accreditation, although it did not confer consultative status. According to the Department of Economic and Social Affairs, over 4,800 organizations had consultative status with the Economic and Social Council, and the demand for that status remained high. For instance, new applications had increased by 26 per cent in 2016 and by 19 per cent in 2017, of which 40 per cent had been from NGOs in developing countries. This pointed to an increase in interest by organizations to contribute to global discussions in intergovernmental forums.

20. Several Member States,[11] regional organizations and civil society organizations highlighted the Economic and Social Council accreditation procedure as a considerable obstacle to the involvement of civil society in United Nations forums. Deferrals that amounted to de facto rejections seemed to target disproportionately civil society that worked on human rights-related issues. In her 2014 report, the Special Rapporteur on the rights to freedom of peaceful assembly and of association noted that, out of 48 organizations that had had their accreditations repeatedly deferred, 46 worked on human rights issues, such as children and women's rights, minorities and country situations (see A/69/365, para. 74). She condemned such practices and insisted that States and the United Nations had a legal obligation to strengthen civil society participation within the United Nations, including by ensuring that people could exercise their rights to freedom of peaceful assembly and of association in multilateral arenas (ibid. para. 57). It was reported that some decisions had been deferred for up to nine years before eventually being rejected, while some were still awaiting final determination.[12]

21. One commentator noted that the practice of the Committee on Non-Governmental Organizations reflected the growing restrictions placed on civil society globally, while at the very time restrictions at the national level made access to the United Nations all the

[11] See, for example, submissions by the Governments of the United States of America, Ireland and Switzerland.

[12] For example, World Uyghur Congress, Alkarama (since 2015), Christian Solidarity Worldwide (since 2009), Committee to Protect Journalists (since 2012) and International Dalit Solidarity Network (since 2008). The application of Journalists and Writers Foundation was withdrawn by the Department of Public Information.

more crucial.[13] Some submissions suggested that certain accreditation practices had become politicized[14] and might constitute a form of reprisals.[15] For example, the process of asking questions during meetings of the Committee was identified as a means to block critical voices, which resulted in repeated deferrals of and de facto rejections of applications for consultative status with the Economic and Social Council,[16] reportedly targeting civil society organizations because of their engagement with the United Nations human rights mechanisms and other regional and international organizations.

22. Submissions also pointed to the lack of transparency and accountability in relation to the granting of consultative status and the lack of due process and grievance mechanisms with respect to the recommendations on applications for consultative status by the Committee on Non-Governmental Organizations. The Secretary-General, in his report on cooperation with the United Nations, urged the Committee to apply the criteria for assessing organizations in a fair and transparent manner, in their decisions regarding granting accreditation to civil society organizations, and their working methods in general (see A/HRC/33/19, para. 15). In article 56 of its resolution 1996/31, the Economic and Social Council stated that written reasons or justifications for decisions should be given and civil society should have an opportunity to present its response for appropriate consideration by the Committee. However, a number of cases where aggrieved stakeholders were not provided with sufficient justification had been reported. The lack of transparency made it impossible to judge whether decisions were taken in a non-discriminatory manner. There was also no avenue to appeal the lack of compliance by the Committee with the very provisions that governed it.[17] In a welcome development, however, at its April 2017 coordination and management meeting, the Council decided that future sessions of the Committee would be webcast in order to increase transparency of its proceedings.

23. Concerns also were raised about States citing alleged links to terrorism and other security concerns to hamper the participation or accreditation of civil society organizations.[18] For instance, several contributors pointed out that certain organizations, including women human rights defenders, had been prevented from participating in the Commission on the Status of Women at its sixty-first session, owing to visa denials, security and other concerns.[19]

24. At some organizations, like FAO, different organizational bodies were responsible for granting various accreditation statuses. UNODC required an application for observer status in addition to accreditation by the Economic and Social Council. Some entities had their own accreditation processes independent of the Council, like the Permanent Forum on Indigenous Issues. The Open-ended Working Group on Ageing, on the other hand, allowed for participation without accreditation by the Council. The Council of ICAO decided on participation primarily through conferring ad hoc observer status to civil society organizations.

25. The rules on granting civil society organizations accreditation to gain access to the sessions of the various subsidiary expert mechanisms established by the Human Rights Council encouraged the participation of civil society.[20] With a view to serving as a platform for dialogue and cooperation on relevant issues, those mechanisms were open to NGOs in consultative status with the Economic and Social Council as well as other NGOs whose aims and purposes were "in conformity with the spirit, purposes and principles of the Charter of the United Nations".

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[13] See www.freedom-now.org/wp-content/uploads/2016/05/ECOSOC-NGO-Committee-Reform-Letter.pdf. Similar concerns related to the politicization of the Committee were mentioned by UNDESA, Alkarama, International Dalit Solidarity Network and others.

[14] Submission by the Governments of the United States and Switzerland.

[15] Alkarama.

[16] Submissions by the Governments of the United States of America, Ireland and Switzerland.

[17] See O. de Frouville, *NGOs in International Law* (2008), chap. 2, "and yet the governmental structure of the Committee makes it impossible for it to fulfil its missions".

[18] Alkarama, Journalists and Writers Assoc.

[19] See also https://wilpf.org/at-the-csw61-wilpf-raises-issue-of-missingvoices-to-the-highest-level/.

[20] See Human Rights Council resolutions 6/13, 6/15, 6/36, 17/4, 28/14 and 33/25.

C. Access to and modalities of participation in meetings

26. Without the experiences of real people being reflected in debates, their needs, views and ideas would remain hidden and not be conveyed to decision makers. Civil society's participation in meetings was its primary channel of involvement with regional and international organizations, particularly in allowing invaluable access to State delegates.[21] Other forums, such as working groups, task force meetings and expert panels, allowed for specific and regular contributions by civil society. While multilateral institutions generally held open and public meetings, most required consultative status with the respective accrediting body. Other entities premised access on invitations, approval of the Chair, and/or "requests" of the delegates. In other instances, attendance was decided on a case-by-case basis, depending on the type, format and modalities of the meetings, which might vary between different United Nations entities and regional organizations. Customarily, most intergovernmental informal consultations on draft resolutions or decisions that were held in parallel to the plenary meetings were closed, with the exception of the informal consultations of the Human Rights Council, which were generally not closed.

27. In terms of specific examples, UN-Habitat permitted accredited civil society to attend dialogue sessions on specific themes during meetings of its Governing Council and had created several multi-stakeholder issue-based networks as vehicles to include civil society in normative and operational activities and programmes. Substantive presentations followed by a dialogue or discussion with Member States were possible at the invitation of the President of the Governing Council and with the approval of the Council. UNEP ensured that regional perspectives informed its work through annual regional meetings of civil-society organizations. UNODC had launched two regional anti-corruption platforms to spur further dialogue.

28. Despite the fact that the review mechanisms of the United Nations Convention against Corruption and the Mechanism for Follow-up on the Implementation of the Inter-American Convention against Corruption explicitly recognized the importance of civil society participation, representatives of civil society were excluded from their international meetings.[22] The involvement of civil society in the working methods of the Peacebuilding Commission was a welcome development, following the adoption in 2016 by the Security Council of its resolution 2282 (2016) and by the General Assembly of its resolution 70/262 on the review of the United Nations peacebuilding architecture. Civil society participation was common practice at the Peacebuilding Commission's country-specific configuration meetings. The review mechanism of the Istanbul Action Plan of the Organization for Economic Co-operation and Development (OECD) Anti-Corruption Network allowed civil society to attend its plenary meetings as active participants rather than observers. The Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (the Aarhus Convention) permitted civil society participation in the meetings of parties, unless one-third of the parties objected. Several contributors called upon States to hold more open informal meetings that allowed civil society participation, including at the Security Council.

29. Contributors observed that the presence of civil society organizations was often most essential at those meetings where they could highlight the human rights, security and other issues within their home countries, and that those meetings, such as the universal periodic review, were also the very ones in which they were unable to participate.[23] In particular, the need to maintain access for civil society to global and regional policy development, planning and decision-making spaces applied to those entities working on issues related to women's rights[24] and the gender-responsive realization of the 2030 Agenda for Sustainable Development. The Department of Economic and Social Affairs noted that striking a balance between the requests of Member States and the legal requirements of resolutions with the

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[21] See P. Willetts (ed.), *The Conscience of the World: The Influence of Non-Governmental Organizations in the UN System* (Brookings Institution Press, 1996), p. 43.

[22] Transparency International.

[23] Government of the United States. Similar concerns were raised by many NGOs in their submissions.

[24] Equality Now, MADRE.

demands of stakeholders remained a complex undertaking. Regional investment banks, such as the European Investment Bank and the Asian Infrastructure Investment Bank, were cited as providing few avenues for public participation.[25] Many entities did not necessarily reflect and seek to address the gender-specific barriers, challenges and restrictions that women and girls — and those working on gender equality, including for lesbian, gay, bisexual, transgender, intersex and questioning persons — faced in their engagement.

30. Submissions described restrictions concerning the modalities of meetings, including those whereby civil society interventions could take place only following interactions with Member States, and that often the time left for civil society was limited. Other submissions included reports that States would invoke points of order,[26] block accreditation by unilaterally vetoing applications, including the withdrawal of status,[27] question the formal speaking role of organizations and interrupt representatives during formal interventions. Other means described included: the exclusion of civil society organizations on a "no objection" basis or de facto vetoes over their participation, including accredited organizations; using the General Assembly resolutions that determined the modalities for the meetings as a means to limit the type of civil society organizations that could participate; or, in many cases, limiting participation only to Member States.[28] It was suggested that the abuse of points of order could be addressed if bureau members or committee chairs called to order those States that interrupted civil society organizations.

31. The lack of predictability was highlighted as an obstacle to effective engagement. In some cases, the terms of participation at a meeting were at the discretion of its chair. For instance, while the rules and procedures of the Security Council provided many opportunities for NGO participation at its open sessions and its Arria meetings, access ultimately depended on which Council member chaired the meeting. At forums of the Department of Economic and Social Affairs, organizations needed to coordinate and had one speaking slot on behalf of larger groups, which, given the limited time available during the High-level Segment and the general debate of the High-level Political Forum on Sustainable Development, had been a source of frustration. In some instances, there were physical barriers to civil society presenting oral statements, in particular, lack of sitting space in the meeting venues.

32. Another factor identified as deficient was the prohibitive costs linked to participating at regional and international events, especially in Geneva and New York, which had resulted in weak civil society representation from the Global South and a predominance of civil society from the North in meetings on regional and international policymaking. That was further exacerbated by increased restrictions on the freedom of movement, including travel bans, onerous application processes and denials of entry visas. Some contributors expressed their discontent in relation to security measures, especially during major meetings at the United Nations, which had limited civil society access to meeting venues or had denied them the opportunity to bring advocacy materials to meetings.[29]

D. Other channels for civil society interventions

33. Some regional and international organizations and forums allowed for other avenues for civil society interventions and submissions. For instance, through the Aarhus Convention secretariat, civil society organizations could submit comments to the documents that were subject to negotiation and had the possibility to take the floor on an equal footing with government representatives, time permitting. At the annual session of the Committee of Experts on Public Administration, inputs from civil society organizations were formally incorporated into meeting reports. A number of organizations, for example

[25] CEE BankWatch Network.

[26] Civic Space Initiative.

[27] Submission by the Government of Ireland. See also Human Rights Watch, "The Costs of International Advocacy Report", available at www.hrw.org/sites/default/files/report_pdf/chinaun0917_web.pdf.

[28] Submission by the Government of the United States.

[29] Frontline Defenders, International Drug Policy Consortium, World Uyghur Congress.

ICAO, pointed out that most of the input they received was provided by Governments, often with limited input from civil society.

34. There were reports of obstacles relating to the submission of independent contributions from civil society. For example, the High-level Political Forum process, including voluntary national reporting on the Sustainable Development Goals, reportedly did not provide adequate space for civil society submissions and, where provided for, the contributions were allegedly treated with tokenism.[30]

35. Public, inclusive consultations at the national level to feed into important regional and international decision-making processes were an effective means of advancing participation. Ireland, for example, had carried out wide-ranging consultations with various civil society actors in advance of its universal periodic reviews in 2011 and 2016, by setting up a website to inform and receive submissions and by advertising in the national media to draw attention to the process.

E. Access to information

36. Access to information was a precondition for any meaningful engagement with multilateral organizations and a recognized and indispensable element of freedom of expression, closely linked to the right to public participation.[31] A number of multilateral organizations recognized the criticality of access to information for effective civil society involvement in their work, including in decision-making and policymaking, and had put in place certain procedures and practices for that purpose. The Human Rights Council, in paragraphs 14 (b) and (c) of its resolution 32/31, called on States to strengthen access to information, including through clear laws and policies on the disclosure of information held by public authorities, and to establish the right to request and receive information, subject to internationally recognized restrictions therein.

37. The comprehensive UNEP policy on access to information enabled accredited participants to have access to the same documentation as Member States and any information in its custody, in the absence of a compelling reason for confidentiality in line with the exceptions listed in the policy. To ensure that civil society could monitor and engage fully in the activities related to the Aarhus Convention and the protocol bodies, all official and important unofficial documents were published on the Convention website. Moreover, members of the public could request information, and confidentiality was limited to clearly defined and strictly interpreted exemptions. The policy established a timeline within which information must be provided, and any refusal must be justified. Any refusal could be appealed through the established internal justice mechanism.

38. In general, access to information was limited in regional and international meetings owing to hierarchical and bureaucratic structures,[32] including those of the European Union[33]. Some corruption review mechanisms (e.g. the Financial Action Task Force, the United Nations Convention against Corruption and the OECD Working Group on Bribery) did not publish any rules on access to information concerning their international meetings.[34] It was suggested that enhanced on-site access to information and proactive disclosure of information should be encouraged in those institutions.[35] The lack of sufficient notice given to civil society could be an impediment to participation. For example, under its procedures, the Inter-American Commission on Human Rights gave one month's notice for public hearings, which in practice was insufficient for the participation of regional civil society

[30] Centre for Economic and Social Rights, Together 2030.

[31] See A/72/350, paras. 9–22.

[32] EUROMIL.

[33] See "Challenges facing civil society organizations working on human rights in the EU" (European Union Agency for Fundamental Rights, 2018) p. 43.

[34] Transparency International.

[35] Transparency International listing the United Nations Convention against Corruption, OECD, Mechanism for Follow-Up on the Implementation of the Inter-American Convention against Corruption, and Financial Action Task Force.

organizations. Quality access to online information, including in different languages, could also be limited owing to missing, outdated or irrelevant information, while timetables and agendas were either shared late or not at all. In that respect, suggestions were made for the African Commission on Human and Peoples' Rights to publish all the merits of its decisions, while the United Nations treaty bodies could provide information well in advance on the individual complaints to be considered.[36]

39. Contributors considered the period between the time that special procedures communications were sent and their publication (up to six months after having been sent through the joint communications reports) too long for victims who were waiting to learn whether action had been taken.[37]

40. The Department of Economic and Social Affairs used social media to share content-appropriate information to engage its followers, using digital cards, infographics, tweets and hash-tagging. UN-Habitat was in the process of improving the way it shared feedback from partners on project implementation through updated internal communication systems, including the launch in 2018 of the partner information management system.

F. Accountability mechanisms

41. To enforce participatory rights, there must be avenues to hold Governments and other duty bearers to account. That applied equally to the international and regional levels. As the Human Rights Council noted in paragraphs 7 and 14 (a) of its resolution 32/31, access to justice was a necessary element to enforce the rights of civil society and to challenge otherwise illegal practices of public authorities and private parties. The absence of justice and appeal mechanisms in regional and international institutions, which are meant to advocate and assist in the application of those very principles at the domestic level, was incompatible with the spirit of the Charter of the United Nations. In paragraph 42 of his above-mentioned report, the Special Rapporteur on freedom of expression stressed that intergovernmental organizations should ensure an independent appeals process, protected against political interference and with the competence to make binding decisions. Grounds for appeal should be broad and clear procedures should be in place, including timelines.

42. The Aarhus Convention provided for a compliance mechanism, the members of which were nominated by parties and NGOs and served in their private capacity. Any individual or group of individuals (including an NGO) could approach the Committee to allege a violation of the Convention. Other mechanisms had a more limited scope, such as the WHO procedure of oversight for relations with civil society organizations, and its annual report by the Programme Committee. UNESCO facilitated the International Conference of Non-Governmental Organizations to review its civic engagement.

43. In terms of due process, the lack of formal complaint mechanisms in regional and international organizations was noted. Also of concern were the lack of accountability for the outcomes of decision-making processes, the lack of mechanisms for adjudication and mediation, and the lack of information on mechanisms that might be available.[38]

G. Protecting civil society from threats and reprisals

44. Member States had a duty to protect those individuals who worked on human rights issues from harm resulting from their work, pursuant to human rights norms and standards and, more specifically, article 2 of the Declaration on Human Rights Defenders. Most submissions stated that the greatest threat to the integrity and legitimacy of intergovernmental bodies was a lack of accountability for threats and reprisals aimed at individuals and civil society organizations who cooperated with such bodies on human rights issues, including the United Nations. Certain areas of engagement, for example,

[36] International Justice Resource Centre.
[37] International Service for Human Rights, Civic Space Initiative.
[38] Action Canada for Sexual Health, Civic Space Initiative.

women's rights and gender equality, presented particular risks as they tended to challenge social norms, which could lead to reprisals by family, community, etc.

45. In his report to the Human Rights Council at its thirty-sixth session (A/HRC/36/31), the Secretary-General expressed his gravest concerns about acts of reprisals. He named 29 countries that had committed such acts, including members of the Human Rights Council; many countries had featured in almost every such report since 2010. He noted that some States seemed to pursue strategies to prevent people from cooperating with the United Nations, and that those acts were predominately perpetrated or condoned by State officials. Many acts of reprisals went unreported for fear of repercussions and further reprisals. The acts of reprisals identified in the report included: travel bans, asset freezing, unlawful dismissal, disbarment, surveillance, derogatory media smear campaigns, including being labelled as terrorists, judicial harassment or "persecution through prosecution", unlawful arrests, arbitrary and prolonged detention, enforced disappearances, abduction, torture, forced psychiatric treatment, and sexual assault, including rape, in particular against individuals held in detention. According to one submission, the use of online "trolls" who harassed, discredited, bullied and threatened activists had also expanded to become sophisticated networks, sometimes government sponsored or sanctioned, that were also often highly gendered and misogynistic, targeting women and girls in particular.[39]

46. Most cooperation related to information-sharing, and interacting or cooperating with organizations, bodies, processes, meetings and even training workshops, for example as part of the Security Council, the Human Rights Council, United Nations human rights mechanisms, the International Labour Organization, the United Nations Framework Convention on Climate Change, the Permanent Forum on the Rights of Indigenous Peoples and the International Criminal Court. The above-mentioned report of the Secretary-General did not include possible cases of reprisals with respect to those cooperating with regional or other international organizations outside the United Nations.

H. Ensuring diversity of civil society representatives

47. The contributors agreed that non-discrimination was a human right in itself and a principle that related to all rights, including participation at all levels. The relevance of hearing a variety of voices during key discussions and negotiations, also with a view to ensuring inclusivity and credibility of policy development and decision-making, was widely recognized.

48. However, civil society representation in regional and international arenas continued not to reflect the full diversity of voices. That was true in terms of underrepresentation of women, especially women and girls from groups in situations of vulnerability, reflecting the practically omnipresent gender-based discrimination. In many countries, particularly where women struggled to achieve equal access to basic human rights and autonomy, financial barriers disproportionally affected women's organizations. Some women and girls also faced barriers based on harmful stereotypes and social norms that led to being prevented by families or communities from engaging in the public space. In some contexts, the groups most directly affected, such as children, could not voice their perspectives, including as a result of barriers or lack of access to regional and international spaces.[40]

49. Furthermore, the prohibitive costs linked to participation in events in certain places, such as Geneva and New York, and restrictions on gaining entry to those events, might have the effect of disproportionally excluding representatives from the Global South, women, the poor, young people and other groups. Community-based organizations, often working to defend women's rights, were particularly unaware of the international/regional forums and removed from funding opportunities.

[39] See Amnesty International, "Human Rights Defenders Under Threat: A Shrinking Space for Civil Society" (London, 2017), p. 15, available at www.amnesty.org/en/documents/act30/6011/2017/en.

[40] Save the Children.

50. In terms of proactive outreach and increasing accessibility, some treaty bodies had begun to hold meeting in decentralized locations. The Department of Economic and Social Affairs promoted the participation of youth organizations, with or without consultative status with the Economic and Social Council, at the Council's annual Youth Forum. UNFPA played an important role in creating and strengthening the Youth Leadership Working Group, which advocated for issues related to young people at the International Conference on Population and Development. The Peacebuilding Support Office, for instance, had created the Working Group on Youth and Peacebuilding to promote the participation of young people in peacebuilding operations. Some organizations had gone a step further in expanding their constituencies, for example, to include faith-based NGOs, while FAO had included social movements.

51. Contributors reported that the increasing presence of government-organized NGOs had distorted and diluted the voice of civil society, thereby limiting the actual space for the distinct contribution of groups not connected to Governments.[41] States had reportedly used them to occupy some of the limited space allocated to civil society, for example by having them submit shadow reports with increasing regularity and crowding out other civil society actors, including by granting them Economic and Social Council accreditation. Certain civil society organizations were said to play an active role in limiting the space for others.

I. Promoting and funding civil society engagement

52. In paragraph 14 (e) of its resolution 32/31, the Human Rights Council requested States to provide a long-term supportive environment for civil society, including through education, to strengthen respect for human rights and fundamental freedoms. Some organizations sought to strengthen civil society engagement through capacity development, knowledge-sharing and the development of tools and skills. The United Nations Institute for Training and Research frequently supported the promotion and protection of civil society space through training, education and capacity development, including through an online course on human rights and the environment. The Office for Disarmament Affairs had established programmes and produced publications to assist civil society organizations in engaging with Member States on disarmament issues, including through a dedicated initiative on civil society and disarmament.

53. Information technology offered cost-effective avenues for information-sharing. Examples included: the ITU stocktaking process on the World Summit on the Information Society, a global register of activities by stakeholders to foster the promotion of civil society in information and communication technology; an NGO marketplace project set up by the UNODC Vienna NGO Committee on Drugs, an independent online platform for all stakeholders; the Aarhus Convention directives on the use of technology to promote participation; the development of the annual UN-Habitat partner survey; the "partner portal", a transparent vetting system across United Nations agencies; and a shared database created by the Office of the United Nations High Commissioner for Refugees, the World Food Programme and UNICEF.

54. Regional organizations, such as the Organization for Security and Cooperation in Europe, assisted civil society organizations through programmatic support, offering guidelines and handbooks, enhanced dialogues, workshops and meetings at the national and regional levels, to expand their knowledge and competencies. The European Union Agency for Fundamental Rights sought to engage with a wide array of diverse stakeholders from the local to the international levels. At the national level, some national human rights institutions, such as the Commission nationale consultative des droits de l'homme of France provided assistance to civil society organizations on engaging with regional and international human rights bodies.

55. Funding for the participation of civil society organizations in regional and international platforms was a good practice that supported the participation of less

[41] Human Rights in China, International Justice Resource Center, Americans for Democracy and Human Rights in Bahrain.

resourced civil society representatives. For example, UNEP, the Department of Economic and Social Affairs and the Aarhus Convention provided financial support for travel and capacity-building initiatives.

IV. Conclusions and recommendations

56. **The effective functioning of international and regional organizations is inexorably linked to civil society participation. Civil society engagement ensures that international discussions and decisions are informed by what is happening on the ground, that a full range of perspectives are heard, and that decision-making is fully informed by relevant expertise and experience. Where civil society engagement is restricted, responses to security threats, development challenges, environmental disasters and disease, among others, risk being ill-informed and weaker. Civil society participation provides a critical contribution to the prevention of violence, insecurity and, in turn, conflict.**

57. **International human rights law requires States and other duty bearers to create and support a safe and enabling environment that allows civil society to exercise fully the rights and freedoms that are indispensable for them to fulfil their essential role of bringing the voices of all parts of society to the table. Respecting human rights also means addressing the multiple and intersecting forms of discrimination that civil society actors may face in engaging in the spaces of international and regional organizations.**

58. **The right to access to information underpins the participation of civil society in regional and international organizations and therefore should not be unnecessarily or disproportionately restricted. Some regional and international entities have established procedures and practices that have promoted civil society engagement, including by having explicit policies and institutional arrangements that recognize stakeholders' rights to participation and to access to information, thus facilitating the engagement of civil society organizations. Furthermore, establishing clear rules regarding accreditation and predictable channels for exchange and for providing inputs into the work of international and regional organizations is critical to effective engagement. Other positive examples include policies and processes that: (a) maximize transparency through the proactive disclosure of information and in which information may be withheld to the strict minimum; (b) provide compliance and accountability mechanisms; and (c) make it possible to reach out to a wide range of diverse civil society representatives. Some of those practices can be established without the need for significant resources.**

59. **At the same time, numerous obstacles to the full and effective participation of civil society remain, including: (a) the lack of access to timely and clear information about channels of engagement and about specific themes and topics to be addressed; (b) opaque and cumbersome accreditation processes without impartial review mechanisms in cases where accreditation is denied; (c) complex and inconsistent rules governing attendance and speaking rights at meetings and forums; (d) prohibitive costs and visa barriers in gaining access to certain locations; (e) a lack of accountability for decisions that restrict access; and (f) underrepresentation of some segments of civil society. Particularly disturbing are reprisals against civil society for cooperation with international and regional organizations, not only because of the individual human rights violations they generally constitute, but also because they risk undermining the effectiveness of the system as a whole.**

60. **Several submissions raised the need to reform the procedures and practices of the Economic and Social Council Committee on Non-Governmental Organizations, which created significant hurdles for the participation of many groups in international decision-making and policy development. The Committee's recent decision to broadcast its sessions was considered a step in the right direction, but more needed to be done to ensure that the United Nations could benefit fully and regularly from all relevant civil society contributions.**

61. **In order for States and organizations to provide and foster effective engagement, OHCHR and the contributors to the present report recommend that they:**

(a) **Adopt policies and frameworks for civil society engagement that recognize the contribution of civil society, and establish clear, effective, human rights-based and gender-sensitive channels of participation and engagement; and establish institutional mechanisms to promote a systematic and meaningful civil society engagement, such as advisory boards;**

(b) **Expand the transparency of decision-making processes and access to public meetings, including by making information available in a timely manner, in relevant languages, with minimum restrictions and by employing new communications tools to maximize outreach, based on explicit policies that comply with human rights;**

(c) **Put in place transparent, fair and gender-sensitive accreditation processes that deliver prompt decisions in compliance with human rights standards, including by establishing grievance mechanisms for redress, and address any erroneous accreditation decisions;**

(d) **Review the practice and procedures of the Economic and Social Council Committee on Non-Governmental Organizations for granting consultative status so that it complies fully with international standards, such as non-discrimination, accountability and transparency, and ensure that they are fit for the purpose of securing full, diverse and timely civil society participation;**

(e) **Adopt and implement robust policies on access to information, including by appointing focal points and ensuring secure information channels;**

(f) **Ensure the safety and security of persons seeking to engage with regional and international organizations, including online, prevent any acts of reprisals by State or non-State actors against them and, when such reprisals do occur, condemn them and ensure accountability and access to an effective remedy;**

(g) **Enable the prompt and objective review by independent accountability mechanisms of restrictions imposed on civil society engagement at the international and regional levels, for example through a review panel or an Ombudsperson;**

(h) **Report regularly on civil society engagement, including on measures taken to bolster engagement and diversify civic society partners;**

(i) **Reach out proactively to underrepresented parts of civil society with a view to ensuring the diversity of civil society participation, by including women, children, young people, older persons, persons with disabilities, ethnic, national, linguistic and racial minorities, migrants and indigenous people;**

(j) **Explore avenues to enable the participation of those segments of civil society and individuals that are not associated with or organized in NGOs, including social movements;**

(k) **Consider different institutional arrangements, such as the creation of civil society advisory boards, liaison units in secretariats of international organizations and the development of tools to increase capacity for effective civil society participation;**

(l) **Ensure that those bodies responsible for civil society engagement have the resources necessary and provide other forms of support to the least represented civil society actors, including training and funding for travel. Special considerations should be given to organizations that face challenges in gaining access to the resources necessary to function effectively, including as a result of restrictions placed on access to foreign funding. In parallel, expand remote participation through videoconferencing and conference hubs and, where possible, organize meetings and conferences in accessible and less costly places or venues;**

(m) **Guard against abuses of process, exploitation of procedural flaws and modalities of participation, including undue use of points of order during meetings and restrictive language in relation to modalities of stakeholder engagement;**

(n) **Promote civil society participation in the implementation of the Sustainable Development Goals and the High-level Political Forum reviews, also with a view to ensuring that no one is left behind.**